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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,960	11/13/2003	Bryan J. Gilbert	6270/131	9425
46260	7590	12/06/2006	EXAMINER	
BRINKS HOFFER GILSON & LIONE/PML			RAYMOND, EDWARD	
PO BOX 10395			ART UNIT	PAPER NUMBER
CHICAGO, IL 60610			2857	

DATE MAILED: 12/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,960

Applicant(s)

FORTH ET AL.

Examiner

Edward Raymond

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 1-45 and 50-55** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "converting said calculations upon said digitally sampled voltage and current into one network protocol; and means for interfacing with an external network" is unclear. There is no link between what the sampled data is used for and how the means for interfacing with an external network is accomplished. There is no claim language that points out how and where the data is interfaced with an external network.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-54** are rejected under 35 U.S.C. 102(b) as being anticipated by Bearden et al. Bearden et al. teaches an electric power meter, comprising: means for digitally sampling voltage and current (Claims 1, 2, 6, 10, 11, 15, 19, 24, and 50-53: see col. 5, lines 6-25); means for storing said digitally sampled voltage and current (Claims

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1, 2, 6, 10, 11, 15, 19, 24, and 50-53: see col. 9, lines 21-27); means for performing power calculations upon said digitally sampled voltage and current (Claims 1, 2, 6, 10, 11, 15, 19, 24, and 50-53: see col. 12, lines 38-40), and converting said calculations and said digitally sampled voltage and current into at least one network protocol (Claims 1, 2, 6, 10, 11, 15, 19, 24, and 50-53: see col. 7, lines 60-64); and means for interfacing with an external network (Claims 1, 2, 6, 10, 11, 15, 19, 24, and 50-53: see col. 7, line 60 through col. 8, line 8); wherein said network protocol is one of e-mail, File Transfer Protocol (FTP), Hypertext Transfer Protocol (HTTP), Dynamic Host Configuration Protocol (DHCP), Hypertext Markup Language (HTML), or Extensible Markup Language (XML) (Claims 1, 2, 6, 10, 11, 15, 19, 20, 24, and 50-53: see col. 7, line 60 through col. 8, lines 8: The Examiner notes that computers on a LAN must communicate in one of the many standard protocols, including e-mail, FTP, SOAP, Mime, HTTP, HTTPS, DHCP, PPP, HTML, SMTP, and XML, which is inherently taught by the reference).

Bearden et al. teach an electric power meter further comprising: means for connecting an external device to said electric power meter (Claims 3, 7, 12, 16, 21, and 25: see Figure 1A), wherein said external device transmits packet data to said electric power meter to be processed by the processor and provided through said interfacing means (Claims 3, 7, 12, 16, 21, and 25: Figure 1A).

Bearden et al. teach an electric power meter wherein said interfacing means further comprises means for interfacing with multiple users simultaneously (Claims 4, 8, 13, 17, 22, 26, 54, and 55: see Figure 1B: The Examiner notes that the Secondary Distribution allows for simultaneous use of the system).

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Bearden et al. teach an electric power meter wherein said interfacing means supports Ethernet communications (Claims 5, 9, 14, 18, 23, and 27: see col. 7, lines 60-64: The Examiner notes that LAN communication supports Ethernet communications).

Bearden et al. teach an electric power meter wherein a web server provides data to the network interface in Hypertext Markup Language (HTML) or Extensible Markup Language (XML) format (Claim 20: see col. 8, lines 1-8).

Bearden et al. teach a system for modifying the functionality of the electric power meter previously installed in the field and operating, the system comprising: a server computer (Claim 28: see col. 7, lines 4-9), the electric power meter in communication with the server computer over a network (Claim 28: see col. 7, lines 60-64), the electric power meter operated with a software configuration stored therein (Claim 28: see Figure 3: Tools and C&I PC); and a storage device in communication with the server computer, the storage device comprising a database (Claim 28: see col. 9, lines 21-27 and also Figure 3: Tools), wherein a copy of the software configuration is stored in the database, the server is operable to modify the operation of the electric power meter as a function of modifications to the database (Claim 28: see Figure 8A: Adjust Feature 93).

Bearden et al. teach a system wherein the server computer comprises a network server operatively communicating with a master server (Claim 29: see Figure 2A: Central Station 61), the network server operable to generate display pages to create a virtual meter site (Claim 29: see Figure 3: Remote Data Display 81 and 85) and the master server operable to maintain the database (Claim 29: see Figure 2A: Central Station).

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Bearden et al. teach a system wherein the server computer comprises an intelligent electronic device operatively communicating over the network (Claim 30: see Figure 8A: Energy Management Controller 90).

Bearden et al. teach a system further comprising a browser coupled to the server computer, the browser operable to access the database (Claim 31: see col.6, lines 54-57: The Examiner notes that a browser is inherently used to communicate to the Central Station).

Bearden et al. teach a system wherein the software configuration comprises firmware and frameworks (Claim 32: see col. 9, lines 21-27 and also col. 8, lines 1-4: The Examiner notes that the storage device is equivalent to firmware).

Bearden et al. teach a system wherein the server is operable to perform modifications to the firmware and frameworks as a function of selections lists selectable by a user (Claim 33: see Figure 8A: Adjust Feature 93: The notes that the device is equipped to remotely adjust the device).

Bearden et al. teach a system wherein said electric power meter is operative to contact a second server to authorize payment for said modifications (Claim 34: see col. 12, lines 38-41).

Bearden et al. teach a system wherein the network comprises an Intranet (Claim 35: see col. 7, lines 60-64).

Bearden et al. teach a system wherein the network comprises an Internet Protocol based network (Claim 36: see col. 7, lines 49-64: The Examiner notes that a LAN is configured to communicate within an Intranet and the Internet).

Bearden et al. teach a system wherein the electric power meter comprises a watt-hour meter (Claim 37: see col. 13, lines 2-19).

Bearden et al. teach a system wherein the software configuration is stored in said memory and said memory comprises volatile memory and nonvolatile memory (Claim 19, 24, 38, 52 and 53: see col. 9, lines 21-27), wherein a first portion of the software configuration is stored in the non-volatile memory and a second portion of the software configuration is stored in the volatile memory (Claim 38: see col. 8, lines 2-19).

Bearden et al. teach a system wherein the second portion of the software configuration is transferable over the network from the database to the electric power meter as a function of instructions within the first portion of the software configuration (Claim 39: see col. 9, lines 21-34).

Bearden et al. teach a system wherein the server is operable to modify the operation of the electric power meter with an update transferable over the network to the electric power meter (Claim 40: see Figure 8A: Adjust Feature 93: The Examiner notes that the capacity to communicate and store information on the remote device inherently teaches the ability to update information via the network).

Bearden et al. teach a system wherein the update comprises a modified software configuration (Claim 41: see col. 12, lines 18-27).

Bearden et al. teach a system wherein the update comprises a modification to the software configuration (Claim 42: see col. 12, lines 18-27).

Bearden et al. teach a system wherein the update comprises an enabling mechanism (Claim 43: see col. 12, lines 38-41).

Bearden et al. teach a system wherein the update comprises an email message (Claim 44: see Figure 2A: Online Data 63).

Bearden et al. teach a system wherein the update comprises a datafile (Claim 45: see Figure 2A: On-Line Data 63).

Bearden et al. teach an IED comprising: an analog to digital converter operative to sense analog signals indicative of voltage and current in at least one conductor of a power system and produce digital signals indicative of said analog signals (Claims 46 and 48: see Figure 5A: Sample and Digitize Units 101 and 111); a CPU coupled with said analog to digital converter and operative to process said digital signals to produce electrical parameters (Claims 46 and 48: see col. 8, lines 1-8); a memory coupled to said CPU and operative to store said electrical parameters (Claims 46 and 48: see col. 9, lines 21-27); a communications circuit coupled to said CPU and coupleable to a network (Claims 46 and 48: see col. 7, lines 49-60); wherein said CPU is operative to transfer said electrical parameters through said communications circuit to said network using at least one of Hypertext Markup Language (HTMQ and Extensible Markup Language (XML) format and/or FTP, SOAP, Mime, HTTP, HTTPS, PPP, or SMTP protocols (Claims 46 and 48: see col. 7, lines 60-64).

Bearden et al. teach an IED wherein said IED comprises an electronic power meter (Claims 47: see col. 5, lines 53-57).

Bearden et al. teach an IED wherein said IED comprises an electronic power meter (Claim 49: see col. 5, lines 53-57).

Response to Arguments

5. Applicant's arguments filed October 20, 2006 have been fully considered but they are not persuasive. Applicant's claim that the claim is definite is not persuasive. Applicant's claim that Bearden et al. does not teach the claimed invention is not persuasive.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

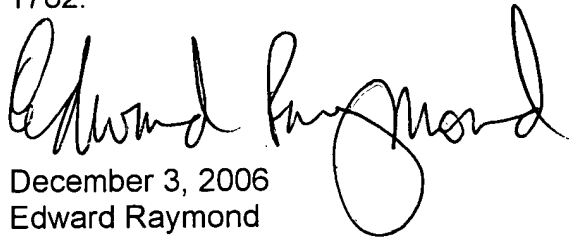
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Raymond whose telephone number is 571-272-2221. The examiner can normally be reached on Monday through alternating Friday between 8:00 AM and 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-2221 for regular communications and 571-272-1562 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-

1782.

A handwritten signature in black ink, appearing to read "Edward Raymond". The signature is fluid and cursive, with a large loop at the end of the last name.

December 3, 2006
Edward Raymond
Patent Examiner
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